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Serial No. 10,569,900

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1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2
3 In Re: Application of: Allen Berger, Jr. Date: November 19, 2004

4 Parent Application Serial No: 10/669,900 Art Unit: 3635

5 Parent Application Filing Date: 9/25/2003 Examiner: Canfield, Robert J.

6 Atty. Docket No. 230199.3

7 Title: "SURFACE MOUNT WINDOW FOR DOORS"

8
9 **RESPONSE**10 **CERTIFICATION OF FACSIMILE TRANSMISSION**11
12 I HEREBY CERTIFY that this paper is being facsimile transmitted to the U.S. Patent &
13 Trademark Office on November 19, 2004. I have been warned that willful false
14 statements and the like are punishable by fine or imprisonment, or both (18 U.S.C.
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29 TO: Patent and Trademark Office
30 Attn: Examiner: Robert J. Canfield / Art Unit: 3635
31 Fax No. (703) 872-930632
33 Papers included: Response, Terminal Disclaimer (PTO, SB/26) and petition to extend
34 time for response (1 month).
3536 Hon. Commissioner of Patents
37 Mail Stop: **NON-FEE AMENDMENT**
38 P.O. Box 1450
39 Alexandria, VA 22313-1450

40 Sir:

41 In response to the recent Office action, please find Applicant's
42 arguments as follows.

Serial No. 10/169,900

INTRODUCTORY COMMENTS

The Examiner has rejected claims 1 and 4 under 35 U.S.C. 102(b), as being anticipated by U.S. patent No. 2,497,957 to Pelley. Applicant's response is enclosed.

Also, the Examiner has rejected claim 1 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. patent No. 6,698,145. Applicant requests that the requirement of file a terminal disclaimer be held in abeyance until allowable subject matter is indicated.